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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,538	06/21/2000	Carl W. Shonk	60,314-098	7679

7590 05/22/2002

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/598,538

Applicant(s)

SHONK, CARL W.

Examiner

DALENA TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 18 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 3/20/02. As per request, claims 23-25 have been added. Thus, claims 1-25 are pending.
2. The prior art submitted on 2/26/02 has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, and 7-9, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742) in view of Hummelsheim (6,192,312).

As per claim 1, Branch et al. discloses a method for transmitting the location of a vehicle to a location remote from the vehicle comprising: determining a location of the vehicle defined as a first location, and a change in the location of the vehicle defined as a second location (see column 2, lines 37-50), and communicating the location of the vehicle to the remote location based upon change in location (see the abstract; column 2, lines 5-67; and columns 6-7, lines 55-47). Hummelsheim mention the position of vehicle relative to a road network (see the abstract; and column 2, lines 13-53). It is obvious that the position tracking of vehicle is relative

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to the road network because the position of the vehicle in Branch et al. reference was tracking along the work route (column 3, lines 12-13), and a schedule route (column 3, lines 15-18).

As per claim 2, Hummelsheim mention the location of the vehicle is communicated with reference to the road network (see column 2, lines 13-53).

As per claim 3, Hummelsheim mention the road network is in a map database (see columns 5-6, lines 18-11).

As per claims 7-8, Hummelsheim mention the location is the street and street address (see column 5, lines 1-17).

As per claim 9, Branch et al. discloses an apparatus for a navigation system for transmitting the location of a vehicle to a location remote from the vehicle, comprising: a position determining device for providing a vehicle location signal (see column 3, lines 10-29; and column 5, lines 7-28), and a transmitter for producing a transmission signal to remote location having the location of the vehicle (see columns 5-6, lines 29-54). Hummelsheim mention a database with a road network (see columns 6-7, lines 60-12), a processor interconnected to at least one positioning device and database for determining the location of the vehicle relative to map (see column 4, lines 3-41), and a trigger device for triggering transmission signal, wherein triggering device determines a location of the vehicle relative to road network , and trigger device commands transmitter to produce transmission signal based upon the change in location (see columns 12-14, lines 12-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al.

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by mention a trigger device for triggering transmission signal to monitor and transmission the vehicle position to the remote location to determine real time a position of the vehicle relative to geographic data used by the navigation system.

5. Claims 14-16, and 25, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742) in view of Hummelsheim (6,192,312), and Goldberg et al. (5,742,509).

As per claim 14, Branch et al. discloses a method for transmitting the location of a vehicle to a location remote from the vehicle comprising: determining a location of the vehicle defined as a first location, and a change in the location of the vehicle defined as a second location (see column 2, lines 37-50). Hummelsheim mention the position of vehicle relative to a road network (see the abstract; and column 2, lines 13-53). Goldberg et al. mention communicating the first and second location of the vehicle to the remote location at a different frequency (see columns 3-4, lines 37-5; column 5, lines 4-28; columns 6-8, lines 36-2; columns 9-10, lines 37-63; and columns 13-14, lines 24-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., and Hummelsheim by mention communicating the location of the vehicle to the remote location based upon change in location at a different frequency for continuously establishing and indicating the location of a movable object.

As per claim 15, Hummelsheim mention the location of the vehicle is communicated with reference to the road network (see column 2, lines 13-53).

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As per claim 16, Hummelsheim mention the road network is in a map database (see columns 5-6, lines 18-11).

As per claim 25, Goldberg et al. mention the frequencies define a data transmission interval (see column 12, lines 3-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., and Hummelsheim by mention the frequencies define a data transmission interval for transferring the status number sequence to the central data collection and processing facility.

6. Claims 4, and 17, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742), Hummelsheim (6,192,312), and Goldberg et al. (5,742,509) as applied to claims 3 and 16 above, and further in view of Mathis (5,948,043).

As per claims 4 and 17, Mathis discloses the location of the vehicle is determined by map matching (see column 6, lines 4-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., Hummelsheim , and Goldberg et al. by mention the location of the vehicle is determined by map matching to provide information about the actual location of a vehicle as it moves over streets.

7. Claims 5-6, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742), and Hummelsheim (6,192,312)as applied to claim 1 above, and further in view of Marinelli et al. (4,884,208).

As per claims 5-6, Marinelli et al. discloses a third location, and communicating a first and second location at a different frequency (see columns 5-7, lines 1-48). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., and Hummelsheim by mention a third location, and communicating a first and second location at a different frequency for continuously establishing and indicating the location of a movable object, and periodically transmitting frequency signals representative of an identification code uniquely associated with the object.

8. Claims 23, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742), Hummelsheim (6,192,312) as applied to claim 5 above, and further in view of Goldberg et al. (5,742,509).

As per claim 23, Goldberg et al. mention the frequencies define a data transmission interval (see column 12, lines 3-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., and Hummelsheim by mention the frequencies define a data transmission interval for transferring the status number sequence to the central data collection and processing facility.

9. Claim 19, as understood by examiner, are rejected under 35U.S.C.103(a) as being unpatentable over Branch et al. (5,760,742), Hummelsheim (6,192,312), and Goldberg et al. (5,742,509) as applied to claim 14 above, and further in view of Ingels (4,024,493).

As per claim 19, Ingels discloses frequencies are based on a distance traveled by the vehicle (see columns 2-3, lines 6-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Branch et al., Hummelsheim, and

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Goldberg et al. by mention frequencies are based on a distance traveled by the vehicle for generating respective direction and distance of vehicle.

10. Claims 18,20, and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 10,11,12,13, and 24 are apparatus claims corresponding to method claims 2,4,5,6, and 23 above. Therefore, they are rejected for the same rationales set forth as above.

#### **Remarks**

12. Applicant's argument files on 3/20/02 have been fully considered and they are deemed to be persuasive. However, upon updated search and the amended claims, the new ground of rejection has been set forth as above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is (703)308-8223. The examiner can normally be reached on Monday-Friday from 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687.



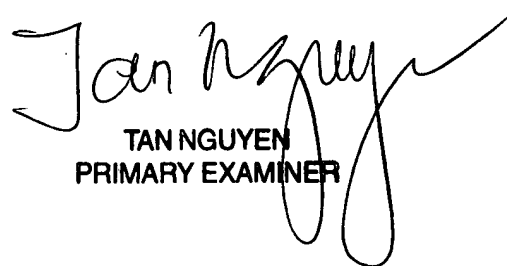
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt  
May 08, 2002

  
TAN NGUYEN  
PRIMARY EXAMINER